

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CANDELA CORPORATION,

Plaintiff,

v.

2:08MC7

PALOMAR MEDICAL TECHNOLOGIES, INC.,

Defendant.

O R D E R

This matter is before the Court on plaintiff's motion to compel Dr. David McDaniel, a non-party resident of the Eastern District of Virginia, to produce documents pursuant to a subpoena duces tecum. The subpoena seeks medical records, photographs, marketing and product information, and communications between defendant and McDaniel.

It is hereby ORDERED, that McDaniel produce all materials relevant to inducements encouraging doctors to use Palomar products, which are the subject of this suit, including all communications or documents regarding communications. McDaniel is further ORDERED to produce all materials related to patient treatments which arise from the three patents held by plaintiff. McDaniel is not required to produce material related to any other forms of treatment involving the Palomar devices; only those related to wrinkle treatments, nor is he required to submit information about any other medical care he may have rendered. Furthermore, McDaniel may exclude specific identification of patients, but an identification number should be provided for identification purposes, in the event there is any necessary follow-up.

Regarding photographs of patients, including pictures taken before and after treatment, the Court DENIES plaintiff's motion for the material. At this stage of the case, the need to protect the identity

and privacy of the non-party patients outweighs the relevancy and necessity of the photographs. Plaintiff retains the right to make a supplemental request for additional production at a later time, if counsel deems the production of such photographs a necessity. However, production will not be ordered in the absence of evidence of need.

Regarding depositions, the Court finds that McDaniels' deposition may be taken if plaintiff deems it necessary. However, the deposition shall last no longer than one day, from 9:30 a.m. until 5:30 p.m., including a one hour lunch break.

The Clerk shall mail a copy of this Order to all counsel of record.

/s/
James E. Bradberry
United States Magistrate Judge

Norfolk, Virginia

February 26, 2008